

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

30162

**FILE:** B-216775

**DATE:** January 8, 1985

**MATTER OF:** Logus Manufacturing Corporation

**DIGEST:**

Protest based upon alleged solicitation impropriety which does not exist in initial solicitation, but which is subsequently incorporated therein, must be protested not later than the next closing date for receipt of proposals. Accordingly, protester's contention that agency improperly extended time period for submission of best and final offers is untimely because this contention was not raised until after the closing date for receipt of the best and final offers.

Logus Manufacturing Corporation (Logus), protests the Defense Logistics Agency's (DLA) decision to extend the time period within which offerors could submit best and final offers under request for proposals (RFP) No. DLA900-84-R-2030, issued by DLA, Defense Electronic Supply Center, for supplying electronic synchronizers. Logus contends that there was no valid reason for the extension.

We dismiss the protest in accordance with 4 C.F.R. § 21.3(g) (1984) of our Bid Protest Procedures, which provides that where the propriety of dismissal becomes clear only after information is provided by the agency, the protest may be dismissed at that time without further development.

DLA received proposals from Logus and Microwave Associates, Inc. (Microwave), on June 11, 1984, the closing date for the receipt of initial proposals. On July 20, the agency requested that both offerors submit best and final offers by July 30. However, at the request

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of Microwave, the agency extended the closing date for offers to August 31 and it informed Logus of the extension orally on July 26 and in writing the following day. Logus submitted its best and final offer before it received this notification and it chose not to revise its offer during the extended time period. Microwave submitted its best and final offer by the revised closing date. Microwave submitted the low best and final offer and DLA awarded the contract to that firm on September 28. Logus learned of the award by letter of October 2 and it filed this protest with our Office on October 11.

Our Bid Protest Procedures provide that protests based upon alleged solicitation improprieties in negotiated procurements which did not exist in the initial RFP, but which are subsequently incorporated therein, must be filed with either the contracting agency or our Office, not later than the next closing date for receipt of proposals following the incorporation of the alleged impropriety. 4 C.F.R. § 21.2(b)(1) (1984). DLA incorporated the revised closing date for the receipt of best and final offers into the RFP, and, therefore, any protest against the extension of the time period for the submission of best and final offers should have been filed with the contracting agency or our Office by August 31, the closing date for those offers. Logus, however, did not protest the extension until October 11, more than 5 weeks after the closing date. Thus, the protest is untimely and not for consideration by our Office.

Logus also has requested a conference to discuss the merits of its protest. Where the merits of the protest are not for consideration, we believe that no useful purpose would be served by holding a conference. Humanoid Systems, B-211488, June 9, 1983, 83-1 C.P.D. ¶ 639.

*Harry R. Van Cleve*

Harry R. Van Cleve  
General Counsel